

TOWN OF LYMAN, MAINE
POLICY GOVERNING ACCESS TO PUBLIC RECORDS
UNDER THE MAINE FREEDOM OF ACCESS ACT

1: SUMMARY AND PURPOSE

This policy governing access to public records is established to implement the provisions of the Maine Freedom of Access Act, 1 M.R.S.A. Sections 401-412. The purpose of these rules is to support the policy of providing public access to the public records in the possession of the Town while, at the same time, complying with state law requirements as to confidential information and maintaining administrative efficiency.

2. DEFINITIONS

Terms used in this Policy Governing Access to Public Records shall have the same meaning as in the Maine Freedom of Access Act.

“FOAA” means Freedom of Access Act.

“Requestor” means person who submits a request for public records under the provisions of the FOAA.

“Public Access Officer” is the appointed employee of the town responsible for ensuring that each public record request is acknowledged within a reasonable period of time and a good faith non-binding estimate of when the response to the request will be complete is provided. A public entity that receives a public record request must acknowledge and respond to the request regardless of whether it was delivered to or directed to the Public Access Officer. The unavailability of a Public Access Officer cannot delay a response to a request therefor, the Public Access Officer shall designate another employee to serve as an alternate Public Access Officer.

3. PROCEDURES FOR REQUESTING PUBLIC RECORDS

Written requests for public records are requested to be submitted to the Public Access Officer at the following addresses:

Public Access Officer
Town of Lyman
11 So. Waterboro Road
Lyman, Me. 04002

OR:

selectboard@lyman-me.gov

Written or oral requests submitted to Town Officials or Town employees other than the Public Access Officer will be referred to the Public Access Officer for processing and response.

(Note: The Town cannot require written requests and it cannot require persons making requests to identify themselves, although the Town still gets a reasonable time to respond. Also, as written, this makes it sound as if a written request can only be made to the Public Access Officer and will be rejected if made to anyone else. The statute does not support such a limitation)

4. FORM AND CONTENT OF REQUEST

Requests in accordance with the FOAA and the Town of Lyman Policy Governing Access to Public Records are requested to be made in writing to ensure that a complete response is given, but a written request is not required. For the requestor's convenience, e-mail shall be considered a written request.

The following information is requested when submitting a FOAA request:

- A. The requestor's full name, address and phone number. If a requestor does not wish to provide this information, the requestor will be informed as to when the requested information, or an estimate, will be available.
- B. A brief description of the public records being sought, being as specific as possible. If you do know what document you are seeking, please state which specific information is being sought.
- C. Whether the request is for inspection of public records, copies of public records, or both.
(Note: The FOAA does not require a person making a request to state the reason for the request and a request cannot be denied if it is for a commercial purpose.)

5. TIMELINE FOR TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

The Public Access Officer must acknowledge receipt of the FOAA request within five working days of the request. The Public Access Officer shall respond within a "reasonable amount of time" with (1) a good faith, nonbinding estimate of the time within which the municipality will comply with the request and (2) a cost estimate for complying with the request. Requests may be made orally under the FOAA, but the Public Access Officer still has five (5) working days to acknowledge receipt of the request. It is not required by law that the records be provided for inspection and or copying within five (5) business days.

Should a request be denied by the Public Access Officer the requested shall be notified of the reasons for the denial within five (5) business days.

Factors defining "reasonable time" shall include administrative work load, complexity of request or amount of staff time required to fill request.

6. TOWN RESPONSE TO REQUEST FOR PUBLIC RECORDS

After review of a request for public records, the Town may either provide the materials, give notice that the materials shall be made available upon payment of reproduction costs and/or staff time, or give notice of the time and place for inspection of records. A denial of a request for public records shall be made in writing. It shall state the reason(s) for the denial.

The Public Access Officer may request additional clarification concerning what public records are sought before responding to a request.

7. PROCEDURES FOR PROVIDING RECORDS

Inspection of records at Lyman Town Hall-generally, public records will be made available for inspection during normal working hours of the Lyman Town Hall.

Unless otherwise arranged, the inspection of records shall take place at the Lyman Town Hall.

It is not required of the public entity to create a record that does not exist.

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Documents which the requestor wishes to have copies shall be segregated during the course of the inspection. An employee of the Town may be present throughout the inspection.

Generally, all copying shall be done by a Town employee. A requestor may be prohibited from bringing bags, brief cases or other containers into the inspection room.

Copies of public records shall be provided to the requestor only upon payment of any charges which are due.

Charges for copies of public records shall be assessed in accordance with the "fee schedule" as approved by the Select Board.

9. FEES

The Town shall assess any and all fees to the requestor allowable by the State of Maine Freedom of Access Act.

Should a requestor make a request requiring Town Employee time to fill such request, which exceeds the allowable "free" time allotted by the FOAA, an estimate of charges to fulfill the request shall be given to the requestor before such work begins. Prepayment shall be required if the estimated response costs exceed \$100.00 or if the requestor has previously failed to pay a properly assessed fee under this policy in a timely manner. Any overpayment shall be refunded upon receipt by requestor.

(Note: This change reflects the statutory limitations on requiring payment in advance)

POLICY FOR HANDLING NON-FOAA COMPLAINTS

It is the policy of the Town of Lyman to take all citizens complaints responsively and seriously, while simultaneously ensuring that staff do not spend undue time in receiving complaints.

A complaint form shall be created and utilized to obtain the person's name, contact information, a brief description of the nature of the complaint and the person's signature indicating that they concur with the complaint summary.

All complaints shall be entered into a "log" that will be referred to the Select Board each meeting as part of an agenda item.

Staff are not expected to take the time to provide a full hearing of the complaint at any point, but only to take the limited time necessary to ascertain the nature of the complaint for logging purposes. People with concerns or complaints are invited to attend Select Board meetings to more fully explain the details, though again, due to the nature of these business meetings, the Chair reserves the right to limit time for comments.

It is the Select Board's Policy that this will allow limited staff resources the time necessary to fulfill priority work activities while still receiving complaints and referring them to the Select Board for consideration and possible action.

Dated: 1/7/19, 2019



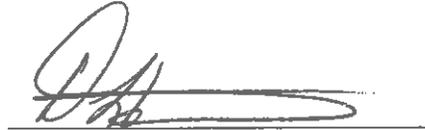
John Tibbetts

William Single



Ralph Blackington

Select Board
Town of Lyman



David Dulong



Thomas Guillemette